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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,191	02/19/2002	Ralph Peter Hegler	6504-1232	7303
23644	7590	10/04/2004		
BARNES & THORNBURG P.O. BOX 2786 CHICAGO, IL 60690-2786				
			EXAMINER MCDOWELL, SUZANNE E	
			ART UNIT	PAPER NUMBER

1732

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/079,191	HEGLER, RALPH PETER	
	Examiner	Art Unit	
	Suzanne E. McDowell	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/19/02</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "7" has been used to designate both an extrusion head and an injection head. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance. Alternatively, the specification or claims can be changed to indicate element number 7 as either extrusion head or injection head.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 5, 8, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hegler (US Patent 5,693,347). Hegler '347 discloses an apparatus and method for making pipes with transverse features, including additional mold segment halves (4a, 5a) which are situated downstream of the molding path (2) in a parking position (72) on the base (1), and which are conveyed by the conveying bridge (34) from the parking position to the upstream end (67) of the molding path (2). The specifics of instant claim 8 are taught by claim 9 of Hegler '347; and instant claim 11 is taught by claim 11 of Hegler '347. Hegler '347 thereby discloses the limitations of claims 1, 4, 5, 8, 10 and 11.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 6, 7, 9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hegler (US Patent 5,693,347) in view of Bauman et al. (US Patent 4,340,292) or, in the alternative, Comfort (US Patent 5,017,321). Hegler '347 discloses an apparatus and method for making pipes with transverse features, including additional mold segment halves (4a, 5a) which are situated downstream of the molding path (2) in a parking position (72) on the base (1), and which are conveyed by the conveying bridge (34) from the parking position to the upstream end (67) of the molding path (2). Regarding claims 2, 3, 6, and 7, Hegler does not teach that the additional mold segment halves are moved out of a path of displacement when being moved from the parking position to the molding path, and vice versa. Bauman et al. and Comfort both teach continuous forming of corrugated tubular articles by utilizing additional mold blocks which are moved out of a path of displacement (Bauman et al. column 3, line 67-column 4 line 4; Comfort column 6, lines 25-44). It would have been obvious to a person of ordinary skill in the art at the time of the invention to use either Bauman et al. or Comfort to modify Hegler, in order to be able to form any number of different configurations of the molds, to form an article of any shape. For example, Bauman et al. teaches several different configurations (column 5, lines 24-30). Bauman et al. or Comfort can be utilized to modify Hegler because they are all in the same field of endeavor and solve the same problem, that of corrugating tubing in different shapes. The remainder of the limitations of instant claim 9 are taught by claim 12 of Hegler '347; and the remainder of the limitations of instant claim 12 are taught by claim 14 of Hegler '347.

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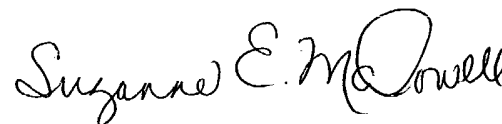
Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hegler (US Patent 5,320,797).
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne E. McDowell whose telephone number is (571) 272-1205. The examiner can normally be reached on M, W, Th 6:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEM
September 30, 2004



SUZANNE E. MCDOWELL
PRIMARY EXAMINER